

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

HYBROCO SALES, INC.,
a Michigan corporation,

Plaintiff,

v.

Case No.
Hon.

WILLIAM C. HEYNE III and
WILLIAM ADKISSON,

Defendants.

PETITION TO COMPEL ARBITRATION

Plaintiff states the following for its Petition:

1. Plaintiff brings this action pursuant to the Federal Arbitration Act (9 U.S.C. §4) to compel arbitration pursuant to the employment contracts between the parties, copies of which are attached as Exhibits A and B.
2. Plaintiff is a Michigan corporation with its principal place of business in Stockbridge, Michigan.
3. Defendants are former employees of Plaintiff and are citizens of Tennessee.
4. The amount in controversy exceeds \$75,000.

5. The parties are citizens of different states, the amount in controversy exceeds \$75,000 and the Court has subject matter jurisdiction pursuant to 28 U.S.C. §1332. This District is the proper district for this action because the contract between the parties contains a forum selection clause for the arbitration to proceed in Detroit, Michigan.

6. The employment contracts between the parties prohibit Defendants from competing with Plaintiff in their former territory for nine months after termination of employment and to not use or disclose Plaintiff's confidential information. Defendants' employment has terminated and Defendants have competed with Plaintiff in their former territory and have used confidential information belonging to Plaintiff.

7. On or about February 23, 2021, Plaintiff filed a demand for arbitration with the American Arbitration Association in Detroit against Defendants to enforce these provisions of the employment contracts.

8. Defendants have subsequently indicated they intend not to comply with the arbitration and to challenge the arbitrability of the dispute on the basis that the termination of the employment contracts terminated their obligation to arbitrate. However, the law is to the contrary. In any case, there is an actual case or controversy between the parties as to the arbitrability of this dispute.

9. A motion to compel arbitration is being filed simultaneous with the filing of this Petition.

WHEREFORE, Plaintiff requests the Court to compel Defendants to arbitrate this dispute which has already been filed with the American Arbitration Association in Detroit and to grant such other relief as is appropriate.

GIARMARCO, MULLINS & HORTON, P.C.

By: /s/ William H. Horton
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